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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,

USA Capital Realty Advisors, LLC,¹

USA Capital Diversified Trust Deed Fund,
LLC,

USA Capital First Trust Deed Fund, LLC,²

USA Securities, LLC,³
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**STATUS AND AGENDA FOR
SEPTEMBER 23, 2010 HEARING
FILED BY USACM LIQUIDATING
TRUST**

Hearing Date: Sept. 23, 2010
Hearing Time: 9:30 a.m.
Estimated Time of Hearing: 2 hours

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1. Omnibus Objection to Claim of in the amount of First Omnibus Objection to Proofs of Claim Based Entirely Upon Investment in the Charlevoix Homes Loan 06-10726 lbr USA Commercial Mortgage Company

Filed: First Omnibus Objection to Proofs of Claim Based Entirely Upon
08/04/2010 Investment in the Charlevoix Homes Loan [8131]

Status	No response filed. The USACM Trust will ask the Court to sustain the objection.
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2. Second Omnibus Objection to Proofs of Claim Based in Part Upon Investment in the Charlevoix Homes Loan: 06-10725-1br USA Commercial Mortgage Company

Filed: Second Omnibus Objection to Proofs of Claim Based In Part
08/04/2010 Upon Investment in the Charlevoix Homes Loan [8132]

Status	No response filed. The USACM Trust will ask the Court to sustain the objection.
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3. First Omnibus Objection of USACM Trust to Proofs of Claim Based Entirely Upon Investment in the Huntsville Loan AKA The West Hills Park Loan: 06-10725-lbr USA Commercial Mortgage Company

Filed: First Omnibus Objection to Proofs of Claim Based Entirely Upon
08/17/2010 Investment in the Huntsville Homes Loan [8140]

Status	No response filed. The USACM Trust will ask the Court to sustain the objection.
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4. Second Omnibus Objection of USACM Trust to Proofs of Claim Based Entirely Upon Investment in the Huntsville Loan aka The West Hills Park Loan: 06-10725-lbr USA Commercial Mortgage Company

Filed: Second Omnibus Objection of USACM Trust to Proofs of Claim
08/17/2010 Based Entirely Upon Investment in the Huntsville Loan aka The
West Hills Park Loan [8141]

Status	No response filed. The USACM Trust will ask the Court to sustain the objection.
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2 **5. Third Omnibus Objection of USACM Trust to Proofs of Claim Based**
3 **In Part Upon Investment in the Huntsville Loan aka The West Hills Park Loan: 06-**
4 **10725-lbr USA Commercial Mortgage Company**

4 **Filed:** Third Omnibus Objection of USACM Trust to Proofs of Claim
5 08/17/2010 Based In Part Upon Investment in the Huntsville Loan aka The
6 West Hills Park Loan [8142]

6 **Response** An Answer was filed by Edward M. Homfeld. Managing Member
7 of Homfeld II, LLC [8172]

8 **Status** Counsel for the Trustee has conferred with Mr. Homfeld. No
9 others responses were received. Counsel will ask that the
10 objection be sustained except as to Homfeld II, LLC and that the
11 claim for Homfeld II go through the required ADR process before
12 the Court sets a hearing date.

12 **6. Fourth Omnibus Objection of USACM Trust to Proofs of Claim**
13 **Based In Part Upon Investment in the Huntsville Loan aka The West Hills Park**
14 **Loan: 06-10725-lbr USA Commercial Mortgage Company**

14 **Filed:** Fourth Omnibus Objection of USACM Trust to Proofs of Claim
15 08/17/2010 Based In Part Upon Investment in the Huntsville Loan aka The
16 West Hills Park Loan [8143]

17 **Status** No response filed. The USACM Trust will ask the Court to
18 sustain the objection.

19 **7. Motion to Extend Time Further Extend Deadline to File Objection to**
20 **Allowance of Claims: 06-10725-lbr USA Commercial Mortgage Company**

21 **Filed:** Motion to Extend Time Further Extend Deadline to File Objection
22 08/24/2010 to Allowance of Claims [8154]

23 **Status** No response filed. The USACM Trust will ask the Court to grant
24 the Motion.
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1 **8. Motion to Approve Settlement Agreement Between the USACM Trust,**
2 **Los Valles Land & Golf, LLC, and Dan S. Palmer, Jr.:** Adv: 08-01058-lbr USACM
3 Liquidating Trust v. Los Valles Land & Golf, LLC et al (ap) Lead case: 06-10725-lbr
4 USA Commercial Mortgage Company

4 **Filed:** Motion to Approve Settlement Agreement Between the USACM Trust, Los
5 01/13/2010 Valles Land & Golf, LLC, and Dan S. Palmer, Jr. Filed by John Hinderaker on
6 behalf of USACM Liquidating Trust
7 [136]

6 **Filed:** Declaration Of: Geoffrey L. Berman [137]
7 01/13/2010

8 **Filed:** Joint Motion to Seal *Declaration of Dan S. Palmer, Jr.* [138]
9 01/13/2010

10 **Filed:** Order Granting Joint Motion To File Declaration Of DAN S. PALMER, JR.
11 02/02/2010 Under Seal [142]

11 **Filed:** Order Granting Approval Of Settlement Agreement Between USACM
12 02/17/2010 TRUST, LOS VALLES LAND & GOLF, LLC, And DAN S. PALMER, JR.
13 [144]

13 **Filed:** Order Setting Status Hearing. Status hearing to be held on 9/23/2010 at 10:30
14 08/03/2010 AM at LBR-Courtroom 1, Foley Federal Bldg. [146]

14 **Filed** Stipulation to Dismiss with Prejudice and Vacate Hearing [148]
15 9/17/10

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17 **Status** The parties have filed a stipulation and order to dismiss this case with
18 prejudice, although the order has not been entered.
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9. Status Hearing: USACM Liquidating Trust v. Fertitta Enterprises, Inc., Adv. 2:08-01121

Complaint filed Complaint filed by USACM Liquidating Trust [1]
04/11/08

Order Order Setting Status Hearing [98]
9/15/10

Stipulation Stipulation to Continue
9/20/10

Status Parties have reached a settlement in principal and have filed a Stipulation to Continue Status Hearing [100] for thirty days to give the parties time to finalize the terms of the settlement,

Dated September 21, 2010.

LEWIS AND ROCA LLP

By: /s/ John Hinderaker, AZ 18024
Rob Charles, NV 6593
John Hinderaker, AZ 18024 (*pro hac vice*)
Attorneys for USACM Liquidating Trust

PROOF OF SERVICE

COPY of the aforementioned sent via e-mail or U.S. First Class Mail postage prepaid on September 21, 2010 to the parties listed on Post-Effective Official Service List for Limited Notice No. 5 Dated March 31, 2009.

/s/ Leilani Ebanks
Leilani Ebanks